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Attorneys for Plaintiffs  
VERONICA GUTIERREZ, TIM FOX, ERIN WALKER  
and WILLIAM SMITH, on behalf of themselves and  
all others similarly situated,

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Attorneys for Defendants  
WELLS FARGO BANK, N.A. and  
WELLS FARGO & CO.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, TIM FOX,  
ERIN WALKER and WILLIAM SMITH,  
as individuals, and on behalf of all others  
similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY; WELLS  
FARGO BANK, N.A.; and DOES 1 through  
125,

Defendants.

Civil Case No.: C-07-5923 WHA (JCSx)

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO REMOVE PLAINTIFF  
TIM FOX AS CLASS  
REPRESENTATIVE**

Hon. William H. Alsup

Complaint filed: November 21, 2007

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1 WHEREAS, on April 22, 2008, pursuant to the Court's Order Granting Plaintiffs' Motion for  
 2 Leave to File a First Amended Complaint, plaintiffs Tim Fox and Veronica Gutierrez were added as  
 3 named plaintiffs and putative class representatives in the above entitled action, joining Erin Walker and  
 4 William Smith, who were already named plaintiffs.

5 WHEREAS, plaintiffs' counsel has represented that Tim Fox is unable to perform as a named  
 6 plaintiff and putative class representative at this time.

7 Accordingly, IT IS HEREBY STIPULATED by and between the Parties that, subject to the  
 8 Court's approval, Tim Fox be dismissed as a named plaintiff and putative class representative in this  
 9 action without prejudice, while retaining any rights he might currently have as a putative class member.

10 DATED: June 23, 2008

COVINGTON & BURLING LLP

11 By: 

12 David M. Jolley  
 13 Attorneys for Defendants  
 14

15 DATED: June 23, 2008

McCUNE & WRIGHT, LLP

16 By: 

17 Richard D. McCune  
 18 Attorneys for Plaintiffs  
 19

20  
 21 **IT IS SO ORDERED.**

22  
 23 DATED: June 30, 2008

24 Hon. William H. Alsup

